

REMARKS

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph and § 102 as being anticipated by McTague '967. Claims 1 and 3 are independent. These rejections are respectfully traversed for the following reasons. Claims 1-4 have been canceled in favor of new claims 5-8 solely for grammatical purposes and not for overcoming the pending rejections.

Regarding the § 112 rejection, the Examiner alleges that the term "lowest" is not defined in the claim. However, new claims 5 and 8 define the "lowest degree of demountability ***among the plurality of network cards***" (emphasis added). Accordingly, "lowest" is defined in the claim as being relative to other recognized network cards. For example, one exemplary embodiment of the demountability is described with reference to Figures 1-3 and the corresponding disclosure in Applicants' specification, whereby the network card X has the lowest degree of demountability relative to the network card Y due to the cabinet/lid arrangement 21, 22. Accordingly, in this example of the present invention, as shown in Figure 3, the device will use the identifier of network card X, if it is mounted, so as to allow minimizing changes to the system identifier.

Regarding the § 102 rejection, in imposing a rejection under 35 U.S.C. § 102, the Examiner is required to point to "page and line" wherein an applied reference is perceived to identically disclose ***each feature*** of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). In the instant case, the Examiner merely refers to broad disclosure (e.g., col. 4, line 1 – col. 5, line 11) as allegedly disclosing the claimed limitations, but does not identify precisely which element disclosed in McTague allegedly reads on each of the claimed elements.

Indeed, it is respectfully submitted that McTague is completely silent as to a “degree-of-demountability” parameter, let alone “produc[ing] a main-apparatus-body identifier using *a network card having the lowest degree of demountability ... among the plurality of network cards.*” McTague does not appear to disclose or suggest any determination or utilization of the degree of demountability. Rather, McTague discloses only a method for increasing the interchangeability of PCI cards utilized in a computer system for allowing a broader range of customization (e.g., lowest possible bill-of-material cost; *see, e.g.*, col. 4, lines 58-59). However, such interchangeability of cards is unrelated to setting the identifier for the system in accordance with the cards, let alone by using “degree-of-demountability” as a parameter for determining the card to be used to set the identifier.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a single prior art reference, *Akzo N.V. v. U.S. Int’l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that McTague does not anticipate claims 5 and 8, nor any claim dependent thereon. Accordingly, it is respectfully submitted that claims 5-8 are patentable over McTague.

CONCLUSION


Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/813,864

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: December 12, 2003